

## **EXAMINER'S AMENDMENT**

### ***Status of Application/Amendment/Claims***

Applicant's response filed 1/13/2010 has been considered.

Applicant's amendment to the claims, filed 1/13/2010, has been entered. With entry of Applicant's amendment, claims 25, 26, 29, 30, and 35-42 were pending.

In addition, an examiner's amendment to the record appears below. With entry of the Examiner's amendment to the claims, below, claims 25, 30, 35, 38, 39, and 42 are pending and allowed.

### ***Interview Summary***

Telephonic conversations were held between the Examiner and Attorney for Applicant, Paul Jenny, during the week of 3/31/2010 and 4/5/2010, regarding claim language that would place the application in condition for allowance without the need for further Office Actions. Specifically, the Examiner pointed out that limiting the length of the claimed probes and restricting claims 25 and 30 to the isolated nucleic acid sequences SEQ ID NO:159 and 6821380, RNA sequences encoded by these sequences, and complements thereof, would place the application in condition for allowance. The Attorney and Examiner agreed upon an Examiner's amendment, which is set forth below.

### ***Specification***

Applicant's amendment to the specification filed 1/13/2010 is acknowledged. The amendment has been entered and the objection withdrawn.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney for Applicant, Paul Jenny, on 4/6/2010 and 4/7/2010.

The application has been amended as follows:

Claim 25 has been rewritten as follows: An isolated nucleic acid consisting of a sequence selected from the group consisting of:

- (a) SEQ ID NO:159;
- (b) an RNA encoded by (a), wherein the RNA is identical in length to (a); and
- (c) the complement of any one of (a) or (b), wherein the complement is identical in length to the nucleic acid of (a) or (b).

Claim 26 has been cancelled.

Claim 29 has been cancelled.

Claim 30 has been rewritten as follows: An isolated nucleic acid consisting of a sequence selected from the group consisting of:

- (a) SEQ ID NO:6821380;
- (b) an RNA encoded by (a), wherein the RNA is identical in length to (a); and
- (c) the complement of any one of (a) or (b), wherein the complement is identical in length to the nucleic acid of (a) or (b).

Claim 36 has been cancelled.

Claim 37 has been cancelled.

Claim 39 has been rewritten as follows: An oligonucleotide probe of 16-120 nucleotides in length, wherein the probe comprises the nucleic acid of claim 25.

Claim 40 has been cancelled.

Claim 41 has been cancelled.

Claim 42 has been rewritten as follows: An oligonucleotide probe of 16-120 nucleotides in length, wherein the probe comprises the nucleic acid of claim 30.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis Wollenberger whose telephone number is (571)272-8144. The examiner can normally be reached on M-F, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fereydoun Sajjadi can be reached on 571-272-3311. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Louis Wollenberger/  
Primary Examiner, Art Unit 1635  
April 7, 2010